

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 1, 7-9, and 11-20 have been canceled. Claims 3-5 and amended claims 2, 6, and 10 are in the application.

Claims 2-6 and 10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 2, 6, and 10 have been respectively rewritten herein in independent form including the limitations of the base claim and any intervening claims. Claims 3-5 depend from independent claim 2. Accordingly, it is respectfully submitted that claims 2-6 and 10 as presented herein are allowable.

Claims 1, 12-14, and 18-20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-15 and 17-18 of U.S. Patent No. 6,513,064 in view of Horlander (WO98/17033). Claims 7-9, 11, and 15-16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13 and 15 of U.S. Patent No. 6,513,064 B1 in view of Horlander and further in view of Tanimura et al. (U.S. Patent No. 6,594,440 B1).

As previously indicated, claims 1, 7-9, 11-16, and 18-20 have been canceled. Such cancellation is not a representation concerning distinctions and/or similarities between the present invention and the applied references. Applicants reserve their right to file one or more continuation applications to continue the prosecution of any or all of the canceled claims.

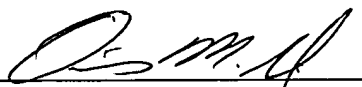
In view of the foregoing, entry of this amendment and these remarks and the allowance of this application with claims 2-6 and 10 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:


Dennis M. Smid
Reg. No. 34,930
(212) 588-0800